

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ROBERT STARBUCK NEWSOM,)
aka ROBBY STARBUCK,)
Plaintiff,)
v.) Case No. 3:22-cv-00318
SCOTT GOLDEN, in his official capacity)
as Chairman of the Tennessee Republican)
Party; the TENNESSEE REPUBLICAN)
PARTY; MARK GOINS, in his official)
capacity as Coordinator of Elections—Office)
of the Tennessee Secretary of State; and)
TRE HARGETT, in his official capacity as)
Tennessee Secretary of State)
Defendants.)

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER OR
IN THE ALTERNATIVE A PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiff Robby Starbuck hereby moves this Court to issue a temporary restraining order or, in the alternative, a preliminary injunction (1) ordering Defendants Scott Golden and the Tennessee Republican Party (the “Party Defendants”) to instruct Defendants Mark Goins and Tre Hargett (the “State Defendants”) to restore Mr. Starbuck to the ballot for the Republican primary for Tennessee’s 5th Congressional District; and/or (2) ordering the State Defendants to disregard the Party’s prior instructions to remove Mr. Starbuck from the ballot. Pursuant to Local Rule 7.01, counsel for Mr. Starbuck has conferred with counsel for the Party Defendants and State defendants, who oppose this motion. Given the need to prevent irreparable harm to Mr. Starbuck’s candidacy before the ballots are finalized, Mr. Starbuck respectfully requests a hearing and/or decision on or before **Friday, May 6, 2020.**

Mr. Starbuck is a lifelong Republican who has been running for Congress since June of 2021. Following an April 19, 2021 meeting and decision of a sub-committee of the Party that incorrectly applied the Party's Bylaws to find that Mr. Starbuck is not a Republican, on April 21, 2022, the Party Defendants instructed the State Defendants to remove Mr. Starbuck from the Republican primary ballot. As detailed in the accompanying memorandum of law, Mr. Starbuck is entitled to injunctive relief because he is likely to prevail and will suffer the irreparable harm of the permanent termination of his campaign unless action is taken by this Court immediately. If Mr. Starbuck is likely to succeed on just one of his claims, then he is entitled to the relief sought by this motion. Mr. Starbuck's primary claims center on the Qualifications Clause, First Amendment, and Fourteenth Amendment of the United States Constitution. However, all this Court need hold to grant relief Mr. Starbuck requests is that the Party Defendants breached a contract with Mr. Starbuck by, and were estopped from, directing the State Defendants to remove his name from the election ballot, because doing so violated the plain terms of the Party's Bylaws on which Mr. Starbuck relied to his detriment. That same error has also led to multiple violations of Mr. Starbuck's constitutional rights under the Qualifications Clause, First Amendment, and Fourteenth Amendment, further entitling Mr. Starbuck to relief. Furthermore, because the Party's illegal action took place at a secret meeting in violation of the Tennessee Open Meetings Act, the action taken at that meeting—and the Party's instruction stemming from that action—is void as a matter of law.

For all of these reasons, together with the reasons stated in the accompanying memorandum of law, Mr. Starbuck is likely to prevail on the merits, will suffer irreparable harm if an injunction is not issued, and is entitled to the relief requested. Mr. Starbuck therefore respectfully requests that this Court order the Party Defendants to instruct the State Defendants to restore Mr. Starbuck

to the Republican primary ballot and/or order the State Defendants to disregard the Party's prior instructions to remove Mr. Starbuck from the ballot, thereby keeping Mr. Starbuck on the ballot.

Dated: May 3, 2022

Respectfully submitted,

/s/ Eric G. Osborne

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CERTIFICATE OF SERVICE

A copy of the foregoing will be served along with the Summons and Complaint.

/s/ Eric G. Osborne

Eric G. Osborne